



Relocation of the Utah State Prison at Draper

**A Study by the League of Women Voters of Utah
January 8, 2014**

The League of Women Voters, a nonpartisan political organization, encourages informed and active participation in government, works to increase understanding of major public policy issues, and influences public policy through education and advocacy.

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INTRODUCTION

During the 2013 Utah Legislative session, the Legislature passed S.B. 72, sponsored by Scott K. Jenkins (Senate District 20, Davis, Weber) and Brad R. Wilson (House District 15, Davis County), signed by Governor Herbert March 27, 2013, to create the second Prison Relocation and Development Authority (PRADA 2). Its task is to issue requests for proposals (RFPs) for “a new prison development project, current prison land development project, or master development project.” (S. B. 72, 63C-13-104.3); to review the submitted proposals; and to select a proposal to recommend to the 2014 Legislative session.

The League of Women Voters of Utah (LWVUT), with a longstanding record of attention to corrections in Utah, was immediately concerned about this project. At its Annual Convention in May, 2013, the LWVUT adopted a study of the prison relocation issue as part of its 2013-2014 Program. Though this study’s scope is apparently much more limited than those of League’s previous studies since it is focused on the single topic of relocation, the decisions to be made go to the heart of the philosophy and practice of corrections. Leaguers wanted answers to questions like

- Is relocating the prison in the best interests of inmates, prison staff, prison volunteers, and families of victims and inmates?
- Is it in the best interests of Utah taxpayers?
- What benefits can come from building a new prison in a new location?
- What alternatives exist to a new prison?
- Is the decision-making transparent and inclusive?

To address these issues, this study will include the following:

- A review of LWVUT current position statements on corrections.
- A review of the findings of previous state-sponsored studies of prison relocation.
- A review of the Prison Relocation and Development Authority’s processes and findings during the summer and fall of 2013.

These reviews will cover the substantive issues of concern in relocating the prison, the processes by which decisions are being made, and the direction in which the Prison Relocation and Development Authority is moving. While many believed relocating the main prison to a remote site in the west desert was a foregone conclusion, PRADA’s research has trended toward a more complex view of the larger issue of how corrections in Utah will develop over the next seventy years. From a singular focus on finding a more remote location for the prison, the Authority has considered alternatives like assigning a larger percentage of state prisoners to county jails, constructing several smaller satellite facilities rather than one central prison (decentralizing the inmate population), reviewing sentencing and parole resources and procedures with an eye to reducing the prison population, and rebuilding on the current site. This study will trace this evolution in thinking, and in so doing, will educate Leaguers as well.

LEAGUE OF WOMEN VOTERS POSITIONS ON CORRECTIONS

LWVUT has completed studies on Corrections in 1976 (*Crime and Punishment/Rehabilitation?*), 2000 (*Crime, Punishment and Rehabilitation Revisited: A Study of the Utah Department of Corrections*) and 2002 (*A Study of the Utah Juvenile Justice System*). Here are the positions resulting from these studies that are relevant to the current issue (LWVUT League Positions, <http://www.lwvutah.org/>):

1976:

The League supports action to establish jail standards and to encourage community based corrections facilities.

The League supports the enforcement of minimum standards established federally for jails. In addition, the League recognizes the need for expanded corrections facilities, including specialized community based facilities, and believes centralized juvenile facilities should be reserved for the most serious offenders with alternative community facilities available for less serious offenders. (1976)

2001:

The League of Women Voters of Utah believes effective reintegration into society should be the primary focus of prison programs. Inmates should have access to Transition Services which assist them in this reintegration process. We also support educational programs for literacy, high-school diploma or GED and vocational training. The League believes female inmates should have the same access to education, jobs, programming and recreational facilities as male inmates.

The LWV supports the enforcement of minimum standards established federally for jails, and believes all facilities public or private, housing state offenders, should be monitored to ensure compliance to state standards as well as be subject to public oversight. The League believes the same standards for access to health care, education, recreation, and visitation should be applied to all inmates.

Placement of an inmate in a county jail should take the specific needs and privilege level of the individual into account.

The LWV recognizes the continued need for correction facilities, but is opposed to the private ownership or management of prisons. We do support the increased use of Community Corrections Centers and Day Reporting Centers. These facilities, whether public or private, can provide effective rehabilitative services to certain offenders outside the prison setting.

The LWV also supports legislation and funding to promote rehabilitative programs that operate outside the jurisdiction of the Department of Corrections if those programs have been proven to be effective. The Drug Court program is an example.

The LWV believes the salaries of Department of Corrections officers should be competitive with those of corrections personnel in county and municipal facilities within Utah.

In addition, the League of Women Voters of the United States (LWVUS) recently took this position:

The League of Women Voters of the United States believes alternatives to imprisonment should be explored and utilized, taking into consideration the circumstances and nature of the crime. The LWVUS opposes mandatory minimum sentences for drug offenses. (2012) ¹

These positions already give the LWVUT criteria by which to judge prison relocation proposals. This study will suggest additional criteria to consider.

PREVIOUS STATE OF UTAH SPONSORED STUDIES

Wikstrom 2005 Study

The State of Utah has sponsored two studies of the feasibility of prison relocation in the past eight years, the first in 2005 and the second in 2009. In both cases, a private consulting firm, Wikstrom Economic and Planning Consultants, Inc. was hired to conduct the study. The 2005 study focused mainly on costs, while the 2009 study evaluated specific sites that had been identified in the previous study.

Governor Jon Huntsman requested and the Legislature funded the 2005 study. Its charge was to judge the economic feasibility of moving the prison to another site. The question is not as easy to answer as it may sound. Issues include

- How does one judge the value of the current site? The property value depends on how the property is sold and developed. The value changes depending on such factors as whether the site is developed as residential or mixed use property, whether it is all sold at once or sold in parcels over several years, and what infrastructure costs will be involved in developing the property.
- What are the costs of relocation itself? The costs of obtaining the property for the new prison and the construction of the infrastructure and of the prison itself must be included. The cost of construction of the building(s) depends on many decisions about such issues as how many beds the facility will hold and what other accommodations the prison will include, (electronic classrooms, medical facilities, job training spaces and much more).
- What are the costs of medical services at the new location? Besides routine health care, a large proportion of the Draper population needs mental health, drug or sex offender treatment. Professionals in these fields are not found in rural areas.
- What are the costs for rehabilitative programs in a more remote location?
- What will the costs for additional transportation be?

Although the monetary figures from the 2005 study are outdated, the conclusion is still of interest. "The analysis determined the net cost to the state to relocate the prison would range from \$352 million to \$395 million depending on location and sell option. Those costs average a net cost of \$372 million. Based on that analysis, the Governor indicated he did not anticipate moving the prison in the foreseeable future based on the cost." ^{2 3}

¹ <http://www.lwv.org/content/public-policy-positions>

² Utah State Building Board Meeting Minutes November 30, 2005 <http://dfcm.utah.gov/UtSBldgBoard/minutes/113005.pdf>

³ The full Wikstrom 2005 study can be found at <http://utah.ptfs.com/awweb/awarchive?type=file&item=31916>

Wikstrom 2009 Study

In spite of this conclusion, the Legislature funded a second study in 2009 to recommend the most suitable site for a new prison from the three areas identified in the 2005 study: one in eastern Box Elder County, one in northeastern Juab County and sites in Rush Valley in Tooele County. Reviewing the 2005 study, the second study notes that the following factors were taken into account in selecting these three areas:

- Parcel size (500 acres or more)
- Topography
- Access to water
- Distance to a hospital with emergency care
- Distance to police
- Natural resources and hazards including:
 - Existence of wetlands
 - Liquefaction potential
 - Flooding potential
- Size of surrounding employment base
- Distance to Salt Lake City (courts and University of Utah Medical Center)
- Distance to highway
- Proximity to residential areas
- Ownership

(Third Prison Site Location Study, Wikstrom, January 2009, p. 2)

These requirements were further specified as follows:

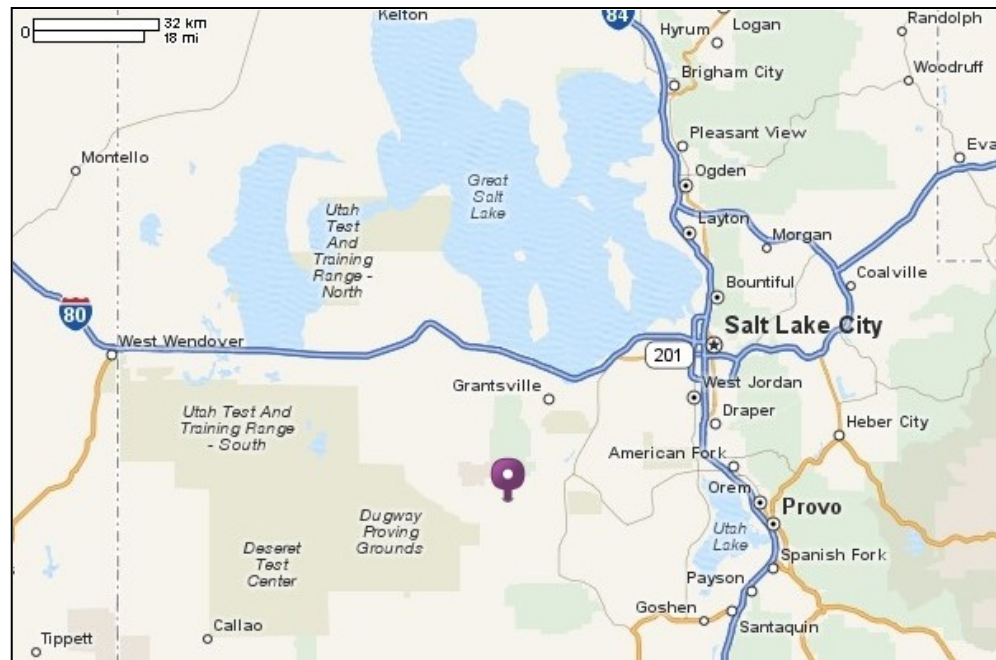
- Have at least 30,000 people living within 30 miles
- Be less than 30 minutes from a hospital with a full trauma center
- Have access to potable water
- Be less than 5 miles from a major state highway or interstate
- Have land with less than 5 percent slope; and
- Not be federal land.⁴

After eliminating dozens of sites, the consultants had determined that all three of the selected sites met these criteria, but they found Rush Valley was “clearly superior” for accessibility, size and topography. Several parcels in Rush Valley met all the criteria. Specific issues investigated included the availability of culinary water; waste water treatment alternatives; storm drainage; electrical and communication infrastructure; energy sources; proximity to courts and medical facilities; employee base; construction costs, and operational costs.⁵

⁴ Third Prison Site Location Study, Wikstrom, January 2009, p. 10

⁵ Third Prison Site Location Study, Wikstrom, January 2009, p. 4

Google Map



Of all the final sites, the Rush Valley site located at the junction of state highways 73 and 36 outscored the others because, all else being relatively equal among them, it was the largest and most accessible. (p.13, *Third Prison Site Location Study*, Utah Department of Corrections, Utah Division of Facilities Construction and Management, July 2009.) In addition, the site is currently owned by the Utah School and Institutional Trust lands Administration (SITLA) and therefore probably available for purchase. Although substantial existing water rights would have to be purchased to supply water for a prison, sufficient water is available through this means. Regarding infrastructure, a fiber optic line and a natural gas line with enough capacity to serve the prison run parallel to Highway 73. Rocky Mountain Power already has plans to build a new power corridor through Rush Valley in the near future. There are no land use regulations in place that would prevent the building of the prison. (Wikstrom 2009, pp 17-18.)

The 2009 study went on to compare costs between moving the prison to the Rush Valley site and building a new structure contiguous to the current Draper site. The study compared three scenarios: building a 6,000 bed facility in Rush Valley, an expansion of the Rush Valley scenario to a 10,000 bed facility, and building a new 6,000 bed facility on prison land just west of the existing Draper structures. It is generally acknowledged that the current prison would need renovation in the near future, so including the third scenario is useful. For our purposes, we will consider only the comparisons between the two 6,000 bed plans. According to the study, the projected cost of building a new facility at Rush Valley, NOT including purchase of the land, is \$984,635,000. The cost of rebuilding on the current site would be \$973,069,000, the lower price tag due to the presence of existing infrastructure. (Wikstrom 2009, Section VI, p.1)

After building costs, one must consider differences in operational costs. The study claimed that many costs cannot be currently estimated because delivery of services is under contract, and contracts would not be renegotiated until they expire. Having side-stepped this issue, they do address changes in transportation costs, which are provided on a pay-as-you-go basis. Prisoners are transported for the following reasons: transfer from one corrections site to another, getting to Board of Pardons and Parole hearings, court appointments (appeals, hearings, custody issues, etc.) and medical needs.

The study compared several transportation scenarios including moving a 4,000 bed, a 6,000 bed and a 10,000 bed facility to Rush Valley. Transportation costs increased by 30% over the Draper location costs for all three scenarios. They also considered a 10,000 bed scenario where 4,000 beds would remain in Draper and 6,000 would be moved to Rush Valley. Predictably, this also cost more than keeping the prison site at Draper. (Wikstrom, 2009, Section VI, p. 4) They mentioned that the other two final sites under consideration, the Juab County site and Box Elder County site, would have much higher transportation costs.

Writers of the 2009 Wikstrom study were not tasked to make a selection between maintaining the existing site and a new site, although they did include statistics which showed moving the 6000-bed facility to the Rush Valley site would cost more in both construction costs and operational costs than rebuilding at the Draper site.⁶ Nor did they look into the advantages and disadvantages of operating such a large prison. It should be noted that at an inmate population of around 4000 people, the Draper Prison is the second largest prison in the country.

PRADA 2 PROCESS

Other than costs to taxpayers and public safety, citizens might ask why the public should care where a state prison is located, and what services are available to prisoners. Prison inmates have been convicted of crimes and are being punished according to the law. Beyond the basics of humane treatment, why should we be concerned?

The answer, from the perspective of the general public, can be summed up in one word: re-entry. Of the total number of prisoners housed at the state prison at any given time, 95% will be released and returned to society (the remaining few are on death row, or have “natural life” or “life without parole” sentences). *

How well those released adjust to society and whether they eventually return to prison depends to a large extent on programs available at the prison and transitioning programs available upon release. Currently, over 50% of the inmates at the state prison are recidivists: they are in prison not for their original crime, but because they have broken a condition of their probation or release. These figures obviously impact public safety and costs of incarceration.

[*http://corrections.utah.gov/index.php/programs/prison-education.html](http://corrections.utah.gov/index.php/programs/prison-education.html)

⁶ The full Wikstrom 2009 study can be found at http://dfcmrpf.utah.gov/admin/upload/11036100/Third_Prison_Site_Location_Study.pdf

Overview

From June 12-December 11, 2013, the second Prison Relocation and Development Authority (PRADA 2) held eleven public meetings of the full committee. Their charge, as per S.B. 72, was to develop a recommendation to the state legislature regarding relocating or rebuilding the Draper state prison. The members of the committee are as follows:

S. Camille Anthony, Associate Director, Office of Special Projects, Center for Homeland Defense & Security; Pro Tempore Member of the Utah Board of Pardons & Parole; Chair of the Utah Substance Abuse Advisory Council

Judge Judith Atherton, Third District Court; Member of the Utah Commission on Criminal and Juvenile Justice

Representative Eric Hutchings, District 32 (Taylorsville-West Jordan)

Dave Luna, President, Mortgage Educators

Mayor Ben McAdams, Salt Lake County

Commissioner Leland Pollock, Garfield County

Mayor Darrell Smith, Draper

Senator Jerry Stevenson, District 21 (Davis County)

Lane Summerhays, Committee Chair. Advantage Workers Compensation Company; Board Member of Workers Compensation Fund and Continental Bank; Changing the Odds Founding Council of the United Way; and Capitol Campaign Guadalupe School

Senator Steve Urquhart, District 29 (St. George, southwest Utah)

Representative Brad Wilson, District 15 (Davis County)

In early meetings, committee members struggled with the scope of the Authority's task and the processes for meeting the legislature's mandate and perceived January 31, 2014, deadline to recommend a proposal for relocating the prison. While some members wanted to limit discussions to producing a request for proposals, others believed that the discussion must be enlarged to include the impacts of relocation on inmates, prison staff, prison volunteers, families of victims and inmates, and education, job training and therapeutic programs.

Behind the mandate to produce a Request for Proposals for moving the state prison loomed the unseen but ever-present pressure to make the property that the prison occupies available for re-development. Not until the last meeting of 2013 was that rationale for relocating the prison presented to the public. At its December 11 meeting, Spencer Eccles, Executive Director of the Governor's Office of Economic Development, made a presentation supported argument for repurposing the land along the I-15 corridor for what many consider to be better uses.

Eccles argued that the area is exceptionally well-located for the Information Technology and Life Sciences industries, two growth industries seen as critical to providing well-paying jobs for Utah's future population. Already in place is an infrastructure that includes highways, commuter rail, available water, power, fiber cable, a convenient international airport and universities that produce highly qualified information technology (IT) and Life Sciences graduates. The

location is already surrounded by many IT and Life Sciences businesses, including, among others, Ebay, IM Flash Technologies, Adobe, EMC², and Edwards Life Sciences. The argument is that a corridor of land from Lehi through Draper uninterrupted by a state prison would encourage both large and start-up companies to locate there. These companies would contribute significantly to Utah's future economy.

From the beginning of the PRADA meetings, many members of the Authority felt an urgency to post to the public a Request for Proposals to design new prison buildings, demolish the old prison, and re-develop the 692 acres on which the current prison stands. At the second PRADA meeting, on June 26, Senator Jerry Stephenson, describing the June 20 PRADA tour of the state prison and its environs, said he was struck by the potential of the surrounding area for development. He noted that the state has invested heavily in the infrastructure of the area and the prison does not produce "maximum benefit" from these investments. He said a "four-story office building with a lot of jobs attached to it is much more beneficial to the tax base of the state of Utah" than the prison. More recently, House Majority Leader Brad Dee (R-Ogden) has said he feared losing the "window of opportunity" to redevelop prison land provided by current low interest rates. (*Deseret News*, November 20, 2013)

Requests for Proposals (RFPs)

To expedite the process of producing a Request for Proposals, on September 16 Representative Brad Wilson, co-author of S.B. 72 creating PRADA 2, submitted to the Authority an initial draft he had written of a RFP. At the end of that meeting, the PRADA subcommittee for RFPs scheduled a meeting for September 20. The Subcommittee members were Chairman Summerhays and members McAdams, Urquhart, Smith and Hutchins.

At the September 20th Subcommittee for RFPs' meeting, Staff member Alan Bachman, Assistant Attorney General, introduced RFPs drafted in the previous week by his legal staff. Because they thought there would be responders who wanted to do pieces but not all of the project, Staff had developed three requests for proposals:

Request #1: New Prison Redevelopment Project (23 pages)

Request #2: Current Prison Land Development Project (20 pages)

Request #3: Master Development Project (Current Prison Land Development Project and New Prison Development Project) (23 pages)⁷

The RFPs asked the respondent to make decisions on thirty-four separate issues. The following, Issue 8, is just one example:

Identify the number of proposed prison beds, prison cells, dorms and security levels related to the facilities. Describe whether the prison should be centralized or de-centralized and whether special de-centralized prisons are allocated by gender, geriatric, mental health, addiction, sex offender, programming and other criteria. Describe any coordination with Counties of the State of Utah for any housing of prisoners at any particular County and how it will function from a program standpoint as well as financial.⁸

⁷ Minutes. Joint Prison Relocation/RFP Committee FINAL, Friday, September 20, 2013

⁸ P. 11, New Prison Development Project RFP#1. PRADA 2, 9-20-2013 RFP meeting

The PRADA committee had been discussing these very issues for several meetings and had failed to come to their own conclusions about them.

On September 30, the full PRADA approved posting the three RFPs on the Division of Facilities Construction and Management (DFCM) website. However, the Governor had not yet reviewed the proposals, so with its October 2 posting, the committee included a caveat noting that the proposals lacked the Governor's approval at this point. The deadline given to responders for complete proposals was November 13, 2013. (p. 5, *New Prison Development Project RFP#1*) It was never clear to the public, and possibly to some members of the committee, what entities or firms would be qualified to come up with proposals for such massive development projects with such short notice.

“Companion Conversation” However, at the same time that PRADA was pursuing the development of requests for bids to relocate the prison and to redevelop the current site, the committee was engaged in a “companion conversation” with stakeholders in the Corrections system. As the complexity and long-range consequences of the issues involved with moving the prison were revealed to committee members, they realized they did not have the information necessary to make a recommendation by their self-imposed January 31 deadline. At their October 23 meeting, they officially decided to remove the RFPs from the website. The next section of this study will address the human costs of prison relocation as revealed in this “companion conversation.”

PRADA 2 SELF-EDUCATION ON CORRECTIONS AND CRIMINAL JUSTICE

To educate themselves on corrections issues, PRADA members invited knowledgeable witnesses to testify at their meetings and traveled to the Draper prison, the Central Utah Correctional Facility in Gunnison, county jails housing state prisoners, and out-of-state prisons, public and private, for first-hand information about current prison resources. From the beginning, many members of the Authority were concerned with making the right long term decisions for the future of Utah. League representatives attending meetings often heard comments to the effect that the Authority would be making decisions that would shape Utah's corrections system for seventy years into the future. At their second public meeting, on June 26, PRADA members expressed concern about major corrections issues, such as re-entry of prisoners to society, recidivism, changing characteristics of prisoners, delivery of treatment and education programs and the delivery of medical services. Their agendas evolved from meeting to meeting as they delved farther into the complexities of the decisions about prison relocation.

Prison Population

State Corrections holds state prisoners at two prison sites and in several county jails. Opened in 1951, the Draper prison site can hold as many as 4500 prisoners, both male and female. The second prison, the Central Utah Correctional Facility (CUCF) in Gunnison, opened in 1990, can house 1600 male prisoners. In addition, over 1500 inmates or approximately 23 percent of the total State prison population is housed by contract at county jails around the state.⁹

⁹ *Utah Association of Counties – Assessment of Utah Jail Facilities*
Zions Bank Public Finance March 8, 2013 [http://governor.utah.gov/DEA/Publications/Commissions/
Prison_Relocation_and_Development_Authority/PRADA%202.0/8-08-2013%20Meeting/FINAL%20REPORT%20REVISED%20050613.pdf](http://governor.utah.gov/DEA/Publications/Commissions/Prison_Relocation_and_Development_Authority/PRADA%202.0/8-08-2013%20Meeting/FINAL%20REPORT%20REVISED%20050613.pdf)

Growth The primary concern for planning for the future of state corrections in Utah is the prison population itself. According to the Utah Department of Corrections Presentation to the PRADA committee on July 31, the prison population has grown from 1,341 in 1982 to 6,893 in 2012, an increase of 414% in 30 years.¹⁰ This rate exceeds both the rate of population growth and the rate of increase of crime. Currently, projections for the number of prison beds needed in the future assume current growth rates will continue indefinitely. Even though the Utah Department of Corrections cited growth larger than population growth from 1982 to 2012, however, further investigation shows that the rate of growth has slowed in recent years. Looking at prisoners under the jurisdiction of state correctional authorities as cited by the U.S. Census¹¹

1990 to 2009 (latest year available) compared to total Utah population,¹² we can see that the percent of the population under jurisdiction of the state correction authorities was fairly flat from 2000 through 2009. As PRADA goes forward with defining the population needs of the prison, it will be necessary to take into account the slowing growth in Utah of the prison population, which follows the national trend.¹³

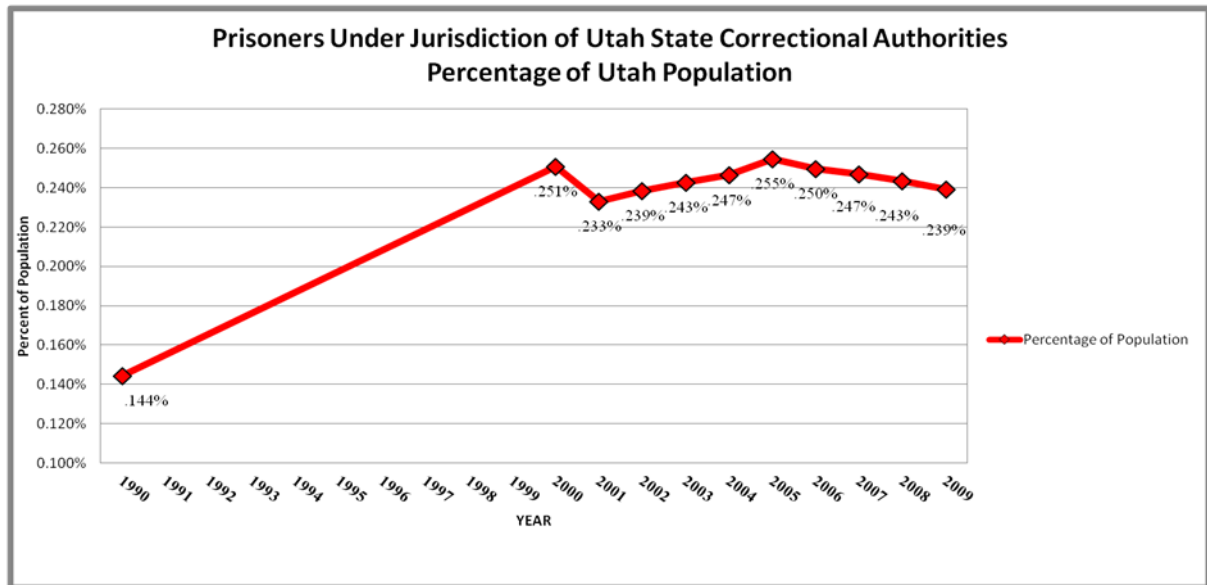


FIGURE 1: U.S. CENSUS AND UTAH POPULATION ESTIMATE COMMITTEE

Perhaps the most important single fact to recognize is that violations of probation or parole conditions account for fully half of the prison population. (Corrections Presentation on Prison Relocation, p. 8) Put differently, half the state prison population is behind bars not for the original crime for which they were convicted, but for a violation of the rules governing their probation/parole. The fact that over 3000 inmates are in prison for such violations spotlights the critical importance of, first, in-prison programs to address inmates' social, psychological and dependence issues, and to educate and train inmates in work skills that can lead to employment. Second,

¹⁰ P. 7, *Corrections Presentation on Prison Relocation*. PRADA meeting July 31, 2013.

¹¹ <http://www.census.gov/compendia/statab/2012/tables//12s0348.pdf>

¹² Utah Population Estimate Committee, UPEC <http://governor.utah.gov/DEA/popestimates.html>

¹³ Bureau of Justice Statistics, *Prisoners under the jurisdiction of state or federal correctional authorities, December 31, 1978-2011 & Prisoners in 2012 - Advance Counts*

transitional programs that support inmates after release are essential. In addition, alternatives other than returning to prison are needed to deal with probation/parole violations.¹⁴

The reduction of recidivism could obviously have a large impact on the numbers of inmates housed by the State. There are other factors that could also affect population growth rates. They include changes in sentencing philosophy and procedures, changes in probation effectiveness, funding of alternative courts like Mental Health and Drug Courts that treat offenders outside of prison, and increasing alternatives to prison for parole violators. These will be addressed in greater detail below.

Characteristics As important as the growth of the prison population are the characteristics of the inmates, which determine housing needs, medical needs and program needs. Thirty percent of prison inmates are sex offenders (Mike Hadden, Deputy Prison Director, PRADA meeting, July 31, 2013). They cannot be housed with the general prison population and need a dedicated facility, according to Rollin Cook, Executive Director of the prison (PRADA meeting, July 31, 2013). Although prisons are not geared to treat the mentally ill, mentally ill people who commit crimes are sentenced to prison for lack of alternatives. They need dedicated housing facilities. (Cook, PRADA meeting, July 31, 2013) Women obviously cannot be housed with men and, among other things, need special accommodations for visits with children. The prison population is growing older, requiring age-related medical facilities. The most dangerous prisoners require special high-security enclosures. The current prison lacks many of these spaces. Being aware of the diversity of the prison population and its needs helps us to understand the complexity of the task of designing an adequate facility.

County Jails Another option, one that could reduce the population of the main prison though not the total number of inmates, is to house state prisoners in county jails. Currently, the State contracts with county jails to house over 1500 inmates in state custody. At the August 8 PRADA meeting, representatives of the Utah Association of Counties and Utah Sheriffs Association pointed out that several newer jails have been built on a pod concept (manufactured units that can be moved onsite) with additional land available, so they can expand without additional infrastructure. Various jails offer a range of services including high school classes, life skills programs and even 12 step addiction recovery programs. Duchesne County jail offers a state approved building trades program. County representatives noted that it is beneficial to house prisoners in their home communities for several reasons. Among them are access by family visitors, community-based job training, and community-based rehabilitative programs.

Steven Turley, Projects Director, Utah Department of Corrections, explains that while the counties tend to offer basic life skills and education classes to help manage the offenders, very few county jails offer the more intensive, evidence based, and state approved Substance Abuse Treatment Programs (SATP) or Sex Offender Treatment Programs (SOTP). Some of those that are available are underfunded and/or understaffed and can treat only a fraction of the inmates with such needs. Of twenty-one county jails, five currently offer state approved SATP programs for a total of 230 beds, while just two offer SOTP programs with a total of sixty-four beds. These programs vary from six – nine months to eighteen months in duration. Counties fund the programs they offer, but, thanks to a recent appropriation from the legislature, are reimbursed \$3.85 per inmate per day in a state approved program. While this figure obviously doesn't cover costs for the services of professional personnel, it is a step in the right direction. (See Appendix 1, *State Map County Jail Programming*.)

¹⁴ http://governor.utah.gov/DEA/Publications/Commissions/Prison_Relocation_and_Development_Authority/PRADA%202.0/7-31-2013%20Meeting/Department%20of%20Corrections%20Presentation%207.31.2013.pdf

When we recall that, on average, over 1500 inmates or approximately 23% of the state prison population is housed in county jails, the inadequacy of these programs becomes apparent. Turley continues that there is some concern that sending additional inmates from the state prisons to the county jails might disrupt those individuals' progress toward gaining meaningful education and employment. There are some work and education opportunities in the counties, but again the availability of those services are varied based on the individual jail. Since the jails are not dealing with economies of scale to the same extent as the state facilities, and because the jails are traditionally intended for shorter term housing purposes, there often is not the same breadth and availability of services as provided in the prisons.

We are left with many unanswered questions about the use of county jails to house state prisoners. They include

- How can quality programs be made consistently available across all county jails?
- How can an inmate be guaranteed to be assigned to his home community jail rather than to whatever jail happened to have an open bed?
- What levels of security can county jails provide?
- Can county jails provide the same quality of housing and programs to female inmates as to male?
- Would such decentralization lose the economies of scale that are available to one large, central institution?
- Would the duplication of programs across jails be more expensive than running programs at a single, large facility?

All of these questions impact the reliability of projections about the growth of the state prison inmate population, and as a consequence, about how to plan for a prison for decades into the 21st Century.

Recidivism and Re-entry

The fact that half the prison population are recidivists (people who have returned to prison after being released) provokes discussion about how the corrections system can help prisoners successfully return to society. The costs of recidivism are obvious: society is at risk if released inmates commit new crimes, parole and probation violators clog courts, and recidivists double the state's costs for incarceration. Much research has been done to learn what programs work to make re-entry successful. Clearly, given the diversity of the prison population, programs to reduce recidivism must address a host of problems with a wide variety of methods.

Programs The characteristics of prisoners indicate the kinds of programs they will require. Sex offenders and substance abusers need programs to address their offense as well as its underlying causes. If the state continues to provide no alternatives to prison for the mentally ill, treatment programs for them must be made available. Many offenders are under-educated, so high school and post-secondary education programs are needed. Lacking the skills that would enable them to get work upon release, prisoners need vocational and life skills training and employment experience. They also need help building support networks once released.¹⁵

¹⁵ http://governor.utah.gov/DEA/Publications/Commissions/Prison_Relocation_and_Development_Authority/PRADA%202.0/7-31-2013%20Meeting/Department%20of%20Corrections%20Presentation%207.31.2013.pdf

Sex offender, substance abuse, educational programs and vocational programs are available to a limited extent at the Draper prison site. Sex offender programs, which are conducted by professionals, must be selective “due to a shortage of resources and abundance of clientele.”¹⁶ Upon incarceration, inmates sentenced for a sex offense receive a “treatability assessment”.¹⁷ If they pass the assessment and meet certain other eligibility criteria, they will be accepted into the treatment program when a slot is available. Substance abuse programs are also available on a limited basis. These research-based programs for males and females (Con-Quest and Ex-cell, respectively) both use team-based philosophies that require dorm-style living for participants. That means separate dorm accommodations are needed for the programs.

The Draper prison provides high school diploma courses in cooperation with local school districts, college credit through distance learning courses, which operate through the U.S. mail, and vocational programs in cooperation with applied technology schools. Post-high school course work must be paid for by the inmate, either through family support or loans which must be paid back within 3 years of being outside the jurisdiction of the corrections system.¹⁸ Work experience is offered by Utah Correctional Industries (UCI), a fully self-supporting program where prisoners work in a productive environment that simulates work conditions outside the prison. Its services and products, lower in cost than private market goods, can be purchased by state agencies, counties, cities, school districts and other qualifying nonprofit organizations.¹⁹ Furniture, seating and upholstery, clothing and uniforms, custom embroidery, asbestos abatement and meat processing are among the wide variety of products and services UCI offers. Although the programs are self-supporting, they are limited by a shortage of space and lack of space efficiently designed for production.

Volunteer contributions Although some programs are fully staffed by professional employees, most rely to a greater or lesser extent on volunteers to carry out their functions. According to Craig Burr, Programming Director, Department of Corrections, over 1100 volunteers currently provide services at the Draper site, including all religious services. Currently numbering 739, religious workers comprise the majority of volunteers, but nearly 400 additional community service volunteers contribute to transition services, life skill services and education programs. (PRADA meeting, August 29) Volunteers for religious services represent a wide variety of denominations including Catholic, The Church of Jesus Christ of Latter Day-Saints (LDS), Baptist and various evangelical churches. The community service programs supported by volunteers include substance abuse programs, activities like family history research and crochet, library support, parenting skills, high school courses, and music programs. Interns from university programs provide medical and treatment services.

Because their contributions to programs are significant, an important concern with relocating the prison is how the new location would affect volunteers. At the August 29 PRADA meeting, volunteer representatives from the Catholic Diocese, the LDS church, Wasatch Presbyterian church, and two non-denominational volunteers testified about the effects of prison relocation on their programs. All expressed grave concern that moving the prison to a more remote location would seriously impact the ability of volunteers to continue to contribute. Dan Igomodu, a

¹⁶ *Process for Enrollment in Prison SOTP*, <http://corrections.utah.gov/index.php/programs/sex-offender-treatment.html>

¹⁷ *ibid*

¹⁸ <http://corrections.utah.gov/index.php/programs/prison-education.html>

¹⁹ <http://uci.utah.gov/content/about/about.asp#mission>

non-denominational volunteer for over ten years, was concerned that costs associated with gas and travel would deter many volunteers. Paul Hewitt, a 20-year volunteer with the Prison Ministry of Wasatch Presbyterian Church, agreed that the farther away the prison is, the harder it will be to get volunteers. Wayne Parker, Regional Director of the LDS Correctional Services, said that 98% of his volunteers come from the Wasatch Front. A less populated prison location will produce fewer volunteers. As well as church related services, his volunteers provide transitional services like helping prisoners obtain ID cards for life on the outside and helping to build family and community support networks. Building support systems for inmates transitioning to the outside world will become more difficult the more remote the prison.

Prisoners' Families Research and experience show that one of the most important variables controlling a prisoner's success rate in society is family support. (Board member Camille Anthony, former director of Commission on Criminal and Juvenile Justice (CCJJ)) Family bonds must be strengthened by frequent contact while the offender is in prison. (One prison mom, addressing the LWVUT general meeting on November 19, 2013, said she had visited her son at Draper ninety-two times so far this year.) Inmates' families, already separated and often in financial straits exacerbated by the fact that a potential earner is in prison, are not likely to have the time or money for additional hours of travel to and from a distant prison location. The families and inmate suffer when they are unable to sustain a supportive relationship, but so does society as released prisoners without such support are more likely to become recidivists.

Staff Issues

While one might think that volunteer services would be more impacted by a remote location than employed staff, staff spokespeople were equally concerned about the effects of a remote prison location. At the September 16th PRADA meeting, corrections staff representatives expressed the following concerns:²⁰

- Mandated overtime plus extended commutes would place an impossible time burden on staff.
- Winter commuting would be dangerous.
- The alternative of moving to the new location would uproot families from their homes.
- A second alternative that the employee would live in bachelor quarters during the work-week and commute home for weekends would separate families.
- If the family moved, second incomes, necessary because of the moderate wages of prison staff, would be lost in the likely event that a spouse could not find employment in a less populated, more remote location.
- Employees nearing retirement may take retirement rather than face the above alternatives, thus reducing the experience level of the staff.
- Others may simply leave corrections and take other jobs rather than move.

²⁰ (unpublished League of Women Voters notes, September 16, 2013)

To summarize, according to prison volunteers and staff, the quality and availability of professional and volunteer programs are likely to decline if the prison is moved to a more remote location. Both inmate and staff family members fear that family ties would be weakened. Yet research shows that the in-prison programs and transitional services that these workers and family members provide are critical to a released prisoner's chances for success in the outside world. The issue is not simple. While a new prison could provide such program-related benefits as additional, dedicated spaces for classrooms, meeting rooms for therapy sessions, tailored living space for women's and geriatric needs and for substance abuse programs, and floor space for work programs, the services provided by humans might suffer because transportation and housing costs would deter qualified and otherwise willing workers from participating.

Medical Issues

Increased medical costs at a remote location are also of concern. Currently, the Bureau of Clinical Services, a division of Utah Department of Health, manages an onsite infirmary at the Draper prison, which offers a variety of services including hemodialysis, HIV medication, dental services, ophthalmology, and ultrasound.²¹ As older (mostly sex) offenders are admitted to prison, and current inmates age, more geriatric services are required. The prison now has two designated geriatric areas which house and provide handicap accommodations for the aged. In addition, inmates with the most severe mental health issues as diagnosed by professionals using the Diagnostic and Statistical Manual of Mental Disorders (DSM-IV) are housed separately at the Olympus Mental Health Forensic Facility on the prison site. (Inmates can also receive mental health treatment and medication on an outpatient basis.)²² Although telemedicine is used to reduce the number of prisoner trips to medical facilities, some emergency and critical situations still require transportation.

It seems apparent that the same questions facing corrections staff about moving to a remote site would also plague medical staff. Dr. Richard Garden, Medical Administrator for the Department of Corrections, noted that transportation costs would increase significantly for transferring critically ill patients to more distant hospitals. He also mentioned that the option of decentralizing prison locations would be costly from a medical standpoint because of the expense of duplicating services.

Judiciary Issues

Courts and Hearings The legal rights of prisoners and responsibilities of the judiciary system are critical issues in the question of prison relocation. Again, transportation is the key factor, both of prisoners to courts for appearances and of court personnel and witnesses to the prison for parole hearings. Rush Valley, Utah, the preferred relocation site, is approximately 54 miles from the Matheson Courthouse in Salt Lake City, while the Draper location is 22 miles. (Google maps) Prison sources estimate that 20,000 transports of prisoners to courts are made annually.²³ Each transport requires a vehicle, driver and security personnel. Costs for each trip will increase with increased distance between the prison and the courts.

²¹ Dr. Richard Garden, Medical Administrator, Utah Department of Corrections, PRADA Meeting, August 29, 2013

²² <http://corrections.utah.gov/index.php/medical-care/mental-health.html>

²³ PRADA 1.0 Binder, Tab 4, PRADA 2 meeting, June 26, 2013

Two suggestions have been made to cut transportation costs for court appearances. One is to build court rooms into the prison and the other is to make more use of video hearings. Locating court rooms in the prison was vehemently opposed by all representatives of the judiciary. At the August 29 PRADA meeting, District Court Judge Kevin Allen noted that courts must be trusted by the people to be open and fair, and to achieve this trust they must be accessible to the public. Locked away in a remote prison, they would lose this public scrutiny. In addition, a court located in the prison would undermine a basic tenet of American justice, that the accused is presumed innocent until proven guilty. Other reasons for opposition exist. For instance, the accused must be tried in the jurisdiction where the offense is committed—often a different jurisdiction from the prison’s. Additionally, the expense and time it would cost court personnel to make trips to the prison for consultations and hearings should also be considered.

Although video hearings can be used in some cases, they also create problems. One is that an accused has the constitutional right to be confronted face-to-face with his/her accuser, and must waive that right for a video hearing to be conducted. Another is technological—many rural areas do not yet have the bandwidth to conduct a video hearing. PRADA committee member Camille Anthony noted that a video picture does not present the complete story of the hearing. Nuances can be observed by being present in a live hearing room that are missed by a camera.

Distance has other consequences. The inmate must have access to counsel, yet it will be more difficult for counsel to travel to a more remote prison. The prisoner, victims and the prisoner’s family must all be able to be heard at parole and early release hearings. Sometimes victims or their families must repeatedly appear to testify at parole hearings over the years. Removal of the hearings to a more remote location would cause increased hardship on all concerned.

Alternatives to Incarceration In the past thirty years, incarceration rates in the U.S. have expanded to shocking proportions, and, though Utah’s statistics are not as bad as some, the prison population has grown from 1,341 in 1982 to 6,893 in 2012, an increase of 414% in 30 years, twice as fast as the population of the state itself.²⁴ Many factors account for this increase. For instance, previously, judges were able to send convicted persons to 90 days in a Diagnostic Unit where they would be evaluated for appropriate punishment. After 90 days, they would return to the judge for appropriate sentencing according to the diagnosis. Unfortunately, the legislature defunded this program several years ago. Given the resulting lack of information about the prisoner, judges are likely to err in favor of public safety by meting out longer sentences.

While not conclusive, research suggests that alternative courts like Drug Offense Courts and Mental Health Courts help keep offenders out of prison. The cost in Utah of maintaining an offender in the Drug Court system, at \$4000 – 6000 a year, is less than one fourth the \$27,000/year cost for incarceration and, apparently, has a higher success rate. Currently, the Drug Offense Courts can handle only offenders who have Medicaid or private resources to fund their treatment. Funding for these alternatives comes from a hodgepodge of federal, state, and county sources plus grants. The funding is never adequate nor dependable, as budgets from various sources are unpredictably cut.

²⁴ [http://governor.utah.gov/DEA/Publications/Commissions/Prison Relocation and Development Authority/PRADA%02.0/7-31-2013%20Meeting/Department%20of%20Corrections%20Presentation%207.31.2013.pdf](http://governor.utah.gov/DEA/Publications/Commissions/Prison_Relocation_and_Development_Authority/PRADA%02.0/7-31-2013%20Meeting/Department%20of%20Corrections%20Presentation%207.31.2013.pdf), p. 7

A large proportion of inmates, as noted earlier, are recidivists: offenders who have been returned to prison for everything from felonies to misdemeanors to actions that are not illegal except for the parolee because they violate the conditions of his/her parole. Because of this striking statistic, repeated across the country, attention is turning to programs to prevent recidivism. Prison-based programs include substance abuse programs, sex offender programs, mental health medication and treatment, education programs, vocational training, and job programs. Re-entry or transition programs that support an offender after release from prison are also essential. They should include alternatives to a return to prison for non-threatening violations of parole.

All of this evidence perhaps points to the fact that Utah does not invest enough in research-based programs and prison alternatives, as demonstrated in its high rates of incarceration and recidivism. This supports the view that in the long run, corrections budgets would decrease if prison programs, re-entry programs, and alternatives to incarceration like Drug Offense and Mental Health Courts were adequately supported. The location of the prison affects the viability of such prison-based and transition programs.

WHAT IS NEXT FOR PRADA?

On October 23, 2013 Ron Gordon, Executive Director of the Commission on Criminal and Juvenile Justice (CCJJ), addressed PRADA with the following request:

“We ask that you not issue the RFP now, but that you take the next few months to gather additional information and determine some specific details that should be included in the RFP. Prison relocation should be viewed as one part of a much larger correctional system and criminal justice system. We have the opportunity to improve our criminal justice system for the next several decades. Policy issues need to be addressed. You do not have to answer all of these questions. Not all need to be included in your RFP. Instead, we ask for the opportunity to work with you, provide additional information to that will help inform the decisions you make.”²⁵

Many questions about complex issues regarding corrections philosophy, policy, processes and costs remain unanswered. The promising outcome of the PRADA process is that the questions have been raised and the conversation has been joined.

Following Ron Gordon of CCJJ, MGT of America, represented by Brad Sassatelli, made its initial presentation to the Authority. The state had contracted with MGT of America, a consulting firm that focuses on prisons, two weeks earlier to conduct a comprehensive study of Utah’s correctional needs in conjunction with issuing an RFP for relocation of the state prison. The study will not be completed until May 2014.

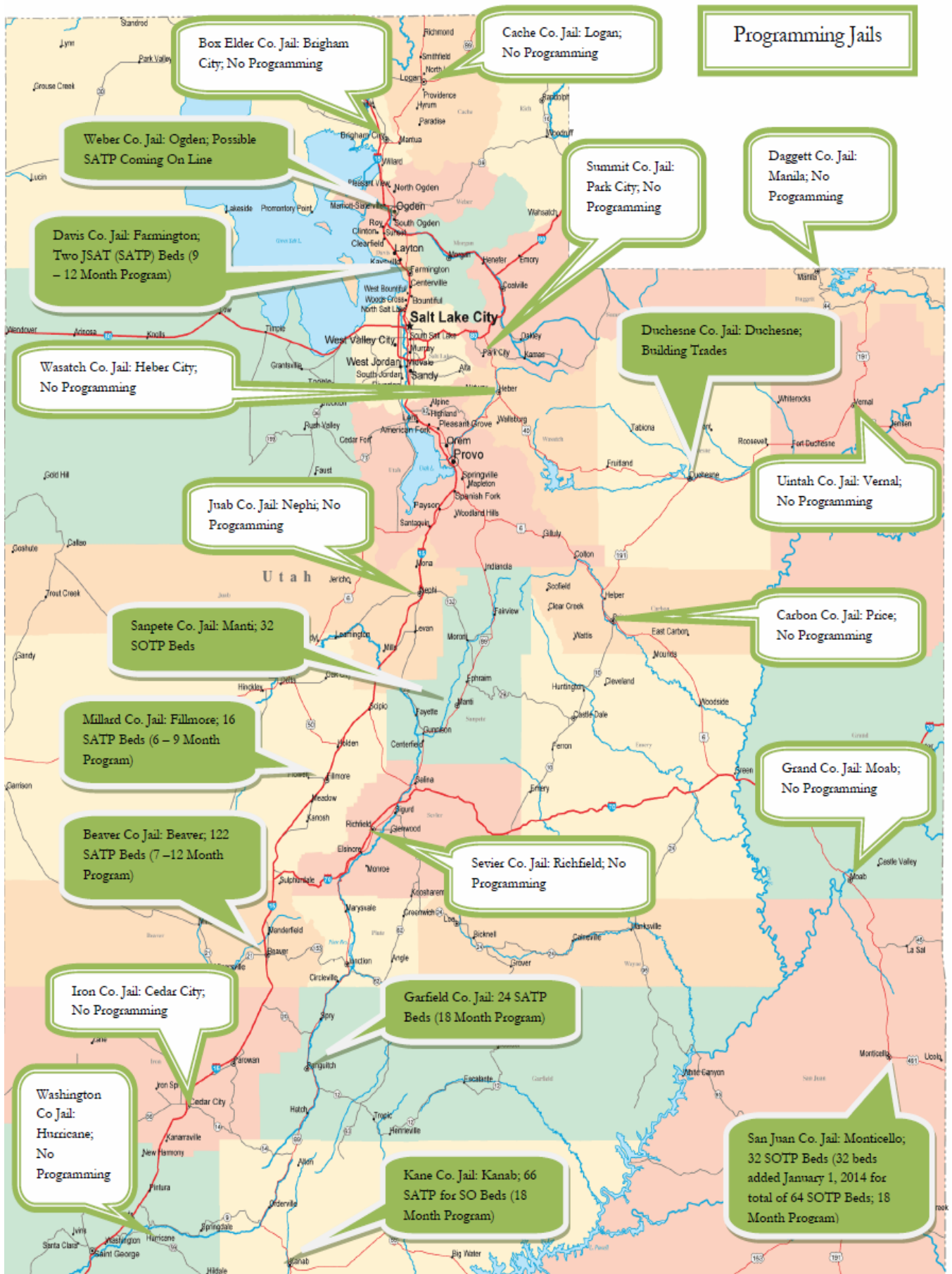
²⁵ *PRESENTATION TO PRADA Ron Gordon, Commission on Criminal and Juvenile Justice*
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PRADA moved to remove the current RFPs from the website. PRADA Chairman Lane Summerhays said the committee will recommend to the 2014 Legislature that the state proceed immediately with an expansion of the Central Utah Correctional Facility in Gunnison. Summerhays indicated that PRADA will not be prepared to make a recommendation on the future of the state's main prison facility at Draper until the 2015 Legislative session. Although the primary focus of the previous Wikstrom studies had been to determine whether it was economically feasible to move the Draper prison to another location, the October 23rd PRADA meeting ended with no reference to costs. No estimates of costs will be available until bids for the projects are received.

The move to delay making a recommendation to the Legislature is welcome. This change should give the LWVUT and the citizens of Utah time to address the legislature about their concerns regarding the complex issues surrounding prison relocation and the future of Utah corrections. Yet, although PRADA will make no recommendation regarding relocation of the prison to the 2014 legislative session, the Legislature is not bound to wait on PRADA. Stakeholders must be vigilant.

Appendix I: Programming at Utah's County Jails

Source: Steven Turley, Projects Director, Utah Department of Corrections



Appendix II

Issues to Consider on Relocating the Draper Prison Developed During the PRADA

Meeting on June 26, 2013

A. Employees

1. Effect on existing workforce, wages, retention, education, recruitment

B. Offenders

1. Re-entry of inmates back into society
2. Education, employment opportunity, job training, community connections
3. Programming (substance abuse treatment, sex offender treatment, vocational training)

C. Community

1. Volunteers
2. Family support, access to visitation, community support

D. Economic Impact

1. Impact on Draper/State if prison moves (include surrounding area as well as the prison property for future years)
2. Impact on new location(s) for future years
3. Impact on taxpayer

E. Strategy

1. Location of prison(s); how many sites should the state develop?
2. Size of new prison and possible expansion for the future
3. How many inmates should be housed at Gunnison?
4. Use of county jails to house inmates
5. Partial relocation versus full relocation of Draper Prison
6. Prison co-located by a medical facility? Should the new prison have an enhanced medical facility within the prison?
7. Should the department administrative offices be relocated with the prison?
8. Timetable of moving the prison
9. Housing of specialized groups of offenders (medical issues, mentally ill, geriatric, sex offenders, females, substance abuse)
10. Use of privatization

Appendix II (cont'd)

F. Costs

1. Medical
2. Transportation
3. State-of-the-art prison
4. Use of technology (i.e. video conferencing for Board of Pardons and Parole, court hearings, and visitation)
5. Operational costs including operational efficiencies
6. Construction costs
7. Infrastructure needs (power, water, sewer, availability of natural resources, etc.)
8. Source of funding a new prison (leasing, GO Bonds, privatization, divert moneys from existing operations, tax increments, etc.)
9. Environmental impact (air quality, water quality, etc.)
10. Demolition costs
11. Cost to relocate other state buildings on prison property and repay federal government for prison facilities built with federal moneys

G. Access to other criminal justice agencies or other essential services

1. Access to ancillary groups (defense, prosecutors, judiciary, medical, etc.)

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